

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

ADRIAN DUNN,	)	
	)	
Plaintiff;	)	
	)	
v.	)	Case No.4:16-CV-00493-BCW
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

**ORDER**

Before the Court is Plaintiff's Pro Se Motion for order to set aside declaration of forfeiture (Doc. #11). The Court, being duly advised of the premises, denies said motion.

Plaintiff seeks the return of assets previously seized by government agents, alleging the assets were improperly forfeited. The Government concedes there were errors in the forfeiture, but nonetheless maintains that Plaintiff has no right to the assets' return. (Doc. #14). The Government requests a hearing on the issue.

On December 1, 2016, the Court held a telephone conference on the issue and indicated its inclination to appoint counsel to represent Plaintiff. The Government offered no objection to such an appointment.

In a civil case, there is no right to appointed counsel. Ward v. Smith, 721 F.3d 940, 942 (8th Cir. 2013). "Rather, a court may request an attorney to represent any person unable to afford counsel." 28 U.S.C. § 1915(e)(1). Whether counsel should be appointed falls within the court's discretion and involves consideration of several factors, "including the factual and legal complexity of the underlying issues, the existence of conflicting testimony, and the ability of the

indigent plaintiff to investigate the facts and present his claims.” Id. (citing Phillips v. Jasper Cnty. Jail, 437 F.3d 791, 794 (8th Cir. 2006)).

In this case, Plaintiff has proceeded pro se up to this point. However, as previously indicated, the Court believes circumstances are such that appointment of counsel would benefit the parties and the Court. Accordingly, it is hereby

ORDERED the Court appoints as Plaintiff’s counsel Mary Katherine Gates Calderon and David Brenton Dwerlkotte at Shook, Hardy & Bacon, LLP - KCMO, 2555 Grand Boulevard, Kansas City, MO 64108. Counsel is directed to electronically enter their appearance in this matter. The Clerk of the Court is directed to email a copy of this order to counsel.

IT IS SO ORDERED.

DATE: December 16, 2016

/s/ Brian C. Wimes

JUDGE BRIAN C. WIMES

UNITED STATES DISTRICT COURT